



W.P.No.11943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.11943 of 2025

M/s.Sri Nidhya Kalyana Perumal Alaya Seva Trust
Rep. by its Managing Trustee
T.Dhayalan

... Petitioner

vs.

1. The Commissioner
Tambaram City Municipal Corporation
28, Muthuranga Mudali Street
West Tambaram
Chennai-600 045.

2. The Commissioner
Tamil Nadu Hindu Religious and Charitable Endowments
Department,
No.119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

... Respondents

* R2 suo-motu impleaded vide order dated 10.06.2025.

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondent to immediately cease the illegal construction within the temple pond area situated at Survey



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No.69/2, Peerkankaranai Village, Chengalpattu District and restore the land to its original state.

For Petitioner : Mr.P.Gunaraj
For Respondents : Mr.P.Srinivas
Standing Counsel, for R1
Mr.N.R.R.Arun Natarajan
Special Government Pleader, for R2

ORDER

[Order of the Court was made by M. SUNDAR, J.]

This order has to be read in conjunction with and in continuation of earlier proceedings made in the listing on 03.04.2025 which reads as follows:

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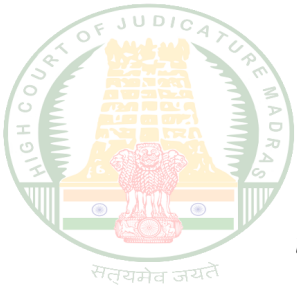
M. SUNDAR, J.

and

K. GOVINDARAJAN THILAKAVADI, J.

After some arguments, question as to the character of Sri Nithya Kalyana Perumal Temple at No.20/36, Kalaignar Nedunchalai, Srinivasa Nagar, Peerkankaranai, Chennai 600 063 came up. Question regarding locus of writ petitioner, viz., Sri Nithya Kalyana Perumal Alaya Seva Trust , also came up.

2. *Faced with the above situation, Mr. P. Gunaraj, learned counsel on record for writ petitioner requested for time*



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to ascertain the position, get further instructions and come before this Court.

3. *Request acceded to.*
4. *List under the cause list caption 'ADJOURNED ADMISSION' a fortnight hence.*
5. *List on 17.04.2025.'*

2. 'Sri Nithya Kalayana Perumal Temple at No.20/36, Kalaignar Nedunchalai, Srinivasa Nagar, Peerkankaranai, Chennai-600 063' shall hereinafter be referred to as 'said Temple' for the sake of brevity, convenience and clarity. 'Sri Nithya Kalyana Perumal Alaya Seva Trust' shall hereinafter be referred to as 'said Trust' for the sake of brevity, convenience and clarity.

3. Mr.P.Gunaraj, learned counsel on record for writ petitioner, advertng to earlier proceedings submitted that said Trust is a public trust and drew our attention to a Trust Deed dated 23.04.2015 but it is really not necessary to delve into the same as learned counsel fairly submits that there is no material to demonstrate that said Temple is a private temple or to put it differently, there is no material to demonstrate that said Temple is not a public Temple.

4. Be that as it may, as encroachment in temple land is alleged, issue



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notice. Mr.P.Srinivas, learned Standing Counsel for Tambaram Municipal Corporation accepts notice for sole respondent.

5. Considering the facts and circumstances of the case, we suo-motu implead the Commissioner, Tamil Nadu Hindu Religious and Charitable Endowments Department, No.119, Uthamar Gandhi Salai, (previously Nungambakkam High Road) Chennai-600 034 as R2 and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader accepts notice for R2.

6. Owing to the limited scope of the captioned main WP, main WP was taken up with the consent of all the aforementioned counsel.

7. Learned counsel for R1 - Corporation submits that R1 is not putting up any construction but construction is being put up and therefore, action under 'The Tamil Nadu Urban Local Bodies Act, 1998 (Act 9 of 1999)' (hereinafter 'TNULB Act' for the sake of convenience and clarity) is in the anvil. Learned counsel submits that action under TNULB Act will be commenced within one week from today i.e. on or before 17.06.2025.

8. This Court has repeatedly held that all Temples are public Temples



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vide Sub-Section (3) of Section 1 of 'the Tamil Nadu Hindu Religious and

Charitable Endowments Act, 1959 [Tamil Nadu Act 22 of 1959]'

{hereinafter 'TNHR & CE Act' for the sake of brevity} unless they are

exempt under Section 4 of TNHR & CE Act or declared to be private

Temples by a Civil Court and therefore, exercising our inherent powers

under Article 226 of the Constitution, we direct R2 to appoint a fit person

qua said Temple within a week from today i.e., on or before 17.06.2025.

Appointment of fit person is a transitory provision and therefore, rights and

contentions of writ petitioner Trust, if any, under TNHR & CE Act qua said

Temple are preserved. On appointment of fit person, after examining

records, if lands in question belong to said Temple, it is open to Tamil Nadu

Hindu Religious and Charitable Endowments Department to commence

proceedings under Section 78 of TNHR & CE Act.

9. Owing to the nature of the matter, we are of the considered view that it will suffice to record the stated position of respondents to give a closure to the captioned main WP.

Captioned main WP disposed of as closed recording the stated



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position of learned State Counsel but with directives and observations as set out supra. There shall be no order as to costs.

(M.S.J.,)

(H.C.J.,)

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

mk

To

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**M.SUNDAR, J.,
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